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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,999	03/24/2004	Mark H. Falahee	FLH-11702/29	4663
25006 7590 09/08/2009 GIFTORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021				
EXAMINER PHILOGENE, PEDRO				
ART UNIT 3733		PAPER NUMBER		
MAIL DATE 09/08/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: MARK H. FALAHEE

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Application No. 10/807,999  
Technology Center 3700

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Mailed: September 8, 2009

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Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on August 11, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**REPLY BRIEF**

Appellants filed a Reply Brief dated August 11, 2009. There is no indication on the record that the Examiner has considered the above Reply Brief.

**CONCLUSION**

Accordingly, it is  
ORDERED that the application is returned to the Examiner to:

- 1) consider and acknowledge the Reply Brief filed August 11, 2009;  
and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/bar

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